

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL ACTION NO.: 5:20-CV-00082-M**

**OLD REPUBLIC INSURANCE  
COMPANY,**

**Plaintiff,**

**v.**

**C&G EXPRESS TRUCKING, LLC,  
KEVIN ROUNDTREE, and ESTATE  
OF FRED O. HARRIS,**

**Defendants.**

**MOTION OF DEFENDANT,  
ESTATE OF FRED O. HARRIS,  
TO DISMISS**

**COMES NOW** the Defendant, Estate of Fred of Harris (hereinafter “Defendant”), and moves the Court to dismiss this action pursuant to Rule 12(b)(7) of the Federal Rules of Civil Procedure. Plaintiff has failed to join a required party, Amguard Insurance Company, under Rule 19 of the Federal Rules of Civil Procedure.

**WHEREFORE**, for the reasons stated herein and in the Memorandum of Law in Support of Motion to Dismiss, which is incorporated herein by reference, Defendant, Estate of Fred O. Harris, respectfully moves the Court for an Order dismissing this action pursuant to Rule 12(b)(7) and Rule 19 of the Federal Rules of Civil Procedure.

This the 30<sup>th</sup> day of March, 2020.

**BRENT ADAMS & ASSOCIATES**

/s/ William H. Harkins Jr.

William H. Harkins, Jr.

State Bar No.: 37899

P.O. Box 1389

Dunn, NC 28335

Telephone: (919) 781-7590

Facsimile: (919) 571-2555

*Attorneys for Defendant, Estate of Fred O. Harris*

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that the foregoing “**Motion of Defendant, Estate of Fred O. Harris, to Dismiss**” was filed using the CM/ECF, which electronically served the following counsel of record:

Brady A. Yntema  
Brandon D. Zeller  
Goldberg Segalla LLP  
701 Green Valley Road, Suite 310  
Greensboro, NC 28408  
(336) 419-4900  
*Attorneys for Plaintiff, Old Republic Insurance Company*

This the 30<sup>th</sup> day of March, 2020.

**BRENT ADAMS & ASSOCIATES**

/s/ William H. Harkins Jr.  
William H. Harkins, Jr.  
State Bar No.: 37899  
P.O. Box 1389  
Dunn, NC 28335  
Telephone: (919) 781-7590  
Facsimile: (919) 571-2555  
*Attorneys for Defendant, Estate of Fred O. Harris*